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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,130	11/20/2003	Eero Kaappa	IHN.023.US	9110
76385 Hollingsworth &	7590 03/17/201 & Funk	EXAMINER		
8500 Normanda	ale Lake Blvd., Suite 3	SALAD, ABDULLAHI ELMI		
Minneapolis, MN 55437			ART UNIT	PAPER NUMBER
			2457	
			MAIL DATE	DELIVERY MODE
			03/17/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, PROM THE MAILING DATE OF THIS COMMUNICATION. Examinate in many be available under the provisions of 57 CFH 1-190, in no event, however, may a reply be timely filled. If NO period for right is specified above, the maximum abstratory printed will apply and will expres SIX (6) MONTHS from the mailing date of this communication. Fallish to right white the set or extended period for right of 100 yrd (1) y stables, cause the application become ABANDOSTIC 53 U.S.C. § 133). Any reply received by the Critical barr than these months after the mailing date of this communication, several falliesly filed, may reduce any source plant immalgations. See 2 (27 H 1-1740). Status 1) Responsive to communication (s) filed on 18 February 2010. 2a) This action is FINAL. 2b This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-19 is/are pending in the application. 4a) Of the above claim(s) is served withdrawn from consideration. 5) Claim(s) 5-11 and 14-16 is/are allowed. 6) Claim(s) 5-11 and 14-16 is/are allowed. 6) Claim(s) 3-11 and 14-16 is/are allowed. 7) Claim(s) 3-13 and 5-14 and 17-19 is/are rejected. 7) Claim(s) 3-13 and 5-14-16 is/are objected to by the Examiner. 8) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) be held in abeyance. See 37 CFR 1.85(a). 8) Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 2a) All b) Some colony of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17-2(a)). **See the atta		Application No.	Applicant(s)					
Salad Abdullahi 2457	Office Action Comments	10/718,130	KAAPPA ET AL.					
- The MALING DATE of this communication appears on the cover sheet with the correspondence address = Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Following of their may be available under the provision of 30 CRF 1:1360, into event, become, may a regive be irrely filled. ### 30 period for reply is appelled above, the maximum statutory period will apply and will expire 30 K (b) MONTHS from the maling case of this communication. ### Fallies for reply within the set or extended period for reply will, by statuc, cause the application Cps (25 U.S.C. § 133). ### Are part overwind by the critical tests that times months after the realing date of this communication, even if timely filled, may reduce any volunter planning. Status ### Responsive to communication(s) filled on ### February 2010. ### Responsive to communication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. ### Disposition of Claims ### Claim(s) 1-19 slare pending in the application. ### Application of Claims ### Application is size of the above claim(s) is slare withdrawn from consideration. ### Claim(s) 1-19 and 14-16 isfaire allowed. ### Claim(s) 1-1 and 14-16 isfaire al	Oπice Action Summary	Examiner	Art Unit					
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Art Unit: 2457

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

- 2. The amendment to the claims filed on 2/18/2010 has been received and made of record.
- 3. After further reviewing claims 1-4, 12-14 and 17-19, the claims are rejected under 35 USC § 101 directed to non-statutory subject matter(see below).
- 4. Claims 5-11, 14-16 are allowed.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 5. The subject matter computer readable media" in claims 12-14 and 19, are directed to non-statutory subject matter
- 6. The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. *See* MPEP 2111.01

A claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claim.

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7. Claims 1-4 and 17-18 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re **Bilski** 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The steps of the method claim is broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Art Unit: 2457

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Salad Abdullahi/ Primary Examiner, Art Unit 2457